THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9896 of 2007

Date: 1.5.2007

Between:

Raparthi Appala Naidu and others

....Petitioners

and

State of A.P. represented by its Secretary,
Department of Revenue, and another

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9896 of 2007

O R D E R:

The petitioners state that they are the absolute owners and possessors of various extents of land in Sy.Nos.79/4, 87/2, 88/3, 88/4, 88/6, 88/7 and 88/8, situated at Cheemalapalli village, Porlipalem Grampanchayat, Pendurthi Mandal, Visakhapatnam District. They intended to sell the said land and in that process, approached the second respondent for registration of the sale deed in favour of the intending purchasers. The grievance of the petitioners is that the 2nd respondent is not accepting the document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the lands in the said survey number. This writ petition is filed seeking appropriate directions to the respondents in this regard.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be

ultra vires and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]***.***

Once the sole basis for the 2nd respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the writ petition is disposed of, directing the 2nd respondent to receive and process the document presented by the petitioners and take necessary steps in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one week from the date of receipt of a copy of this order. There shall be no order as to costs.

L.NARASIMHA REDDY, J

1.5.2007
Note: CC in three days.
Bo cvm

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77